



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 8, 2005

Harry Masterson
807 W First St
Cle Elum WA 98122-1011

Dear Mr. Masterson:

Re: Emergency Drought Change Authorization No. CS4-01467CTCL@3

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Court Claim Nos. 01467 and (A)03296 were confirmed for Harry James and Mary Lou Masterson in the amounts totaling 4.8 cubic feet per second (cfs), 1527.5 acre-feet per year for the irrigation of 235 acres, and stockwater, from May 1 through September 15. The place of use is those portions of the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, and the N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, lying southerly and westerly of the Masterson Ditch, ALL being within T. 20 N., R. 16 E.W.M.

The original point of diversion for Mr. Masterson's water right is located approximately 900 feet south and 350 feet east from the north quarter corner of Section 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 20 N., R. 16 E.W.M. On November 21, 2001, the Kittitas County Conservancy Board changed that point of diversion to a pump station downstream located approximately 1140 feet west and 650 feet south of the northeast corner of Section 34, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T. 20 N., R. 16 E.W.M.

Early in 2005, Mr. Masterson agreed to lease 233 acres of his historically irrigated land to the Department of Ecology and place those quantities in the Washington State Trust Water Right Program. Mr. Masterson is proposing to change from the pump station to a domestic well on his property for the irrigation of the remaining two acres consisting of the lawns on Mr. Masterson's property.

This temporary authorization is subject to the following limitations and provisions:

This authorization is for an existing well located near the southwest corner of Kittitas County Parcel No. 20-16-33020-0001

The instantaneous quantity of water to be withdrawn is limited to 20 gallons per minute.

A total of 4.6 acre-feet of water is authorized under this Emergency Drought Change Authorization for the irrigation of 2 acres.

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The quantities authorized above are for the 2005 drought season only. The water right will revert to the uses and quantities described in the Second Supplemental Report of Referee for Subbasin No. 3 (Teanaway River) when this authorization expires.

The place of use is described as follows:

Kittitas County Parcel No. 20-16-33020-0001 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 20 N., R. 16 E.W.M., and Kittitas County Parcel No. 20-16-28000-0025 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 20 N., R. 16 E.W.M.

The applicant shall only withdraw water under this authorization if water is flowing in the Teanaway River at the USGS Gaging Station No. 12447383. This information can be obtained by contacting Ecology's Central Region Office or the USGS Real-time water data web site: <http://waterdata.usgs.gov/wa/nwis>.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being withdrawn, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on September 15, 2005.

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2nd Street, Yakima WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of the Department of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

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The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.

Sincerely,



Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office

RFB:gg
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Enclosures: Flow Meter Requirements

cc: Carroll Palmer, Director, Natural Resources Division, Yakama Nation
Curt Hart, Water Resources Program, HQ